

### **REMARKS**

Reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

This amendment is in response to the Office Action dated October 21, 2002, in the above referenced application. Presently, claims 1-2 are pending and stand rejected. With this amendment, claims 1-2 are amended and new claims 3-37 presented. Minor corrections to the specification are also included.

In the Office Action, an objection to the drawings was made. The objection was based on terms which were used in the claims for which there were no showings in the drawings. Those terms have been eliminated. The drawings are proper as filed. However, proposed drawing changes shown in red accompany this amendment. Included within the proposed drawing changes are reference numerals 48a and 48b in **FIGS. 3 and 4** for the upper and lower surfaces on the seating deck structure. Also included within the proposed drawing changes is reference numeral 53 in **FIGS. 3 and 4** for the sight line. Corresponding specification changes are made in paragraph [0018] and in the Parts List. No new matter has been added in these proposed drawing changes and specification changes.

Additional changes to the specification are also made in paragraphs [0001], [0003] and [0004]. No new matter has been added.

In the Office Action, claims 1 and 2 were rejected under 35 USC § 112, second paragraph. With this amendment, claims 1 and 2 have been amended to address the points noted by the Examiner. It is respectfully submitted that claims 1 and 2, as amended, now conform to the statutory requirements. Reconsideration and allowance are respectfully requested.

In the Office Action, claim 1 was rejected as anticipated by the Trame reference. Trame discloses an illuminated sign of successive alpha-numeric characters. The Trame sign is hingedly

mounted and is folded to a vertical orientation to be readable. Reference numeral 75 of Trame is discussed at column 4, lines 38-42, and concerns a reflective sheet for distribution of light in the sign, rather than an access panel as recited in claim 1. Trame accesses the internal fluorescent tubes of his device by hinging the sign to a horizontal position as discussed at column 4, lines 44-49, and shown in Figure 4. Moreover, Trame at teaches at column 5, line 12, that his sign is intended for roof display rather than as a rail and, moreover, does not suggest a rear access panel but rather a hinged arrangement of the whole sign to make the fluorescent tubes accessible. Clearly, the invention of claim 1 is not anticipated by or obvious over the Trame. Reconsideration and allowance are respectfully requested.

In the Office Action, claim 2 was rejected as anticipated by the Hunte reference. Hunte discloses an illuminated house sign with a photocell. It typically is mounted to an electric supply box 130 within a vertical wall. Not only does the Hunte device lack the ability to be accessed from the rear by personnel on a seating deck or balcony but also one of ordinary skill in the art would not be led to employ it as a barrier to prevent people from falling from a seating deck, particularly given its size and its being mounted to a rather modest electric supply box. Clearly, the invention of claim 2 is not anticipated by or obvious in view of Hunte. Reconsideration and allowance are respectfully requested.

If there are any further issues yet to be resolved to advance the prosecution of this patent application to issue, the Examiner is requested to telephone the undersigned counsel.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

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